

### **Introduction**

This Office Action is in response to Applicant's amendment filed September 22, 2010. Applicant's amendment amended claims 1, 9, 12, 14-17, 19, 46-51, 70-75, 88-99 and 113-115 and canceled claims 2-8, 10-11, 13, 18, 20-22, 24-45, 57-69, 76-87. Claims 52-56 and 101-112 being previously withdrawn as directed to a non-elected invention. Currently claims 1, 9, 12, 14-17, 19, 23, 46-56, 70-75, and 88-115 are currently pending.

### **Non-Responsive Response**

The reply filed on September 22, 2010 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's response to the 37 C.F.R 1.105 Requirement for Information was incomplete, see discussion below. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Applicant's seems to have misunderstood the thrust of the Requirement for Information which is to identify *new* documents/publications detailing the products/services provided by the Assignee, as they related to the disclosed invention,

and any publications/documents authored or co-authored by the Assignee/inventors related to the disclosed invention (conducting survey sessions or focus groups).

The publications provided by the examiner, which document the potential public use or sale of survey/focus group systems() by the Applicant prior to the filing of the instant application, where provided to demonstrate that such a sale or public use of the disclosed invention appears to have occurred prior to the filing of the instant application.

The examiner was not asking for the Applicant's to answer the remaining Requirement for Information questions in light of only these provided references.

The examiner was asking that the Applicants identify both:

- the products/services that were/are publicly available or for sale related to the disclosed invention, which the Applicants have identified as Mass Interaction Life and subsequently for the Applicant's to provide documentation, publications (e.g. presentations, brochures, manuals, or the like) related to the features and capabilities of the identified products/services, regardless of the date of such publications/documentation; and
- any/all publications/documents authored or co-authored by the Applicants (inventors, assignee) related to the disclosed invention or used to draft the disclosed subject matter, specifically any documents/publications not already cited.

The 37 C.F.R. 1.105 Requirement for Information has been included below for the convenience of the Applicant.

**37 CFR § 1.105 - Requirement for Information**

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Examiner's research appears to suggest Applicant sold or public used one or more products containing the claimed subject matter, as evidenced by at least the following references:

- NetOnCourse.com Webpages (2002)
- MR-Live Product Overview presentation (2001)
- NetOnCourse – Masters of Future Think

The information is required to identify products and services embodying the disclosed subject matter of conducting a survey session and identify the properties of similar products and services found in the prior art.

In response to this requirement, please provide the citation and a copy of each publication which any of the applicants authored or co-authored and which describe the disclosed subject matter of conducting a survey session or focus group.

In response to this requirement, please provide the citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For

Art Unit: 3624

each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

In response to this requirement, please state the specific improvements of the claimed subject matter in claims conducting a survey session over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts.

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, particularly as to developing (conducting a survey session). For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to draft the claimed subject matter.

For each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is

Art Unit: 3624

unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

This requirement is subject to the provisions of 37 C.F.R. §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 1 month. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571.272.6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/  
Primary Examiner, Art Unit 3624